

# IDAHO STATE PUBLIC DEFENSE COMMISSION

## STRATEGIC PLAN

FY 2017 through FY 2020

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### *MISSION*

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The Idaho Public Defense Commission is committed to improving the delivery of trial-level indigent defense services by serving the Counties and Indigent Defense Providers of Idaho. We strive to ensure that the safeguards of the 6<sup>th</sup> Amendment to the United States Constitution and Article I, Sect. 13 of the State Constitution are met. We will collect data, support compliance with standards, provide training and administer grants to achieve fair and just representation of the accused. In the words of Thomas Jefferson, “The price of freedom is eternal vigilance.”

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### *VISION*

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The State Public Defense Commission:

1. Maintains standards to ensure that defending attorneys are providing representation within the safeguards of the Sixth Amendment to the U.S. Constitution;
2. Serves as a clearing house of information for relevant stakeholders;
3. Administers and allocates funds appropriated by the Legislature to Counties to ensure compliance with indigent defense standards;
4. Provides training to defending attorneys;
5. Establishes rules for public defender training and data collection regarding indigent defense services
6. Keeps the Legislature apprised of any Sixth Amendment issues related to enforcement and funding.

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### *GOALS*

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**FIRST GOAL**      **The Public Defense Commission administer and allocate funds appropriated by the Legislature to counties to improve the delivery of trial-level indigent defense services.**

**Objective 1:**    **The Commission will create a grant application process by which counties can apply for annual funding.**

- STRATEGY 1:** The Commission will create an application for indigent defense grants which will require a showing of compliance with indigent defense standards.
- STRATEGY 2:** The Commission will create administrative rules regarding content to be included in indigent defense grant applications.
- STRATEGY 3:** The Commission will work with stakeholders to ensure the application is comprehensible and the requirements are realistic.
- PERFORMANCE MEASURE:** Identify relevant indigent defense standards for indigent defense grant applications. Create a process review and approval of the applications to make recommendations to the Commission.
- BENCHMARK:** Require submission of grant applications pursuant to Idaho Code §19-862A. Notify the counties within 60 days of approval or disapproval. On or around October 1, 2016, notify the Counties and distribute the approved state indigent defense grants pursuant to Idaho Code §19-862A.
- PERFORMANCE MEASURE:** The Commission will undertake the negotiated rule-making process in July and August of 2016, allowing a proposed rule to be submitted to the Department of Administration in September 2016.
- BENCHMARK:** With initial publication and comment period slated for October of 2016, a pending rule will be voted on by the Commission at the beginning of November of 2016, in time for publication and presentation to the legislature in January 2017.

**Objective 2: The Commission will create a process by which Counties can apply for funding for “extraordinary litigation.”**

- STRATEGY 1:** The Commission will define “extraordinary litigation.”
- PERFORMANCE MEASURE:** The Commission, through the Executive Director and staff, will research differing methods for defining “extraordinary litigation.”
- STRATEGY 2:** The Commission will create an application with which counties can use to apply for funding for “extraordinary litigation.”
- STRATEGY 3:** The Commission will create administrative rules regarding content to be included in the “extraordinary litigation” indigent defense grant application.
- STRATEGY 4:** The Commission will work with stakeholders to ensure the application is comprehensible and the requirements are realistic.
- STRATEGY 5:** The Commission will develop a timeline for approval of “extraordinary litigation” indigent grant applications that meets the needs of the counties.

**PERFORMANCE MEASURE:** The Commission will undertake the negotiated rule-making process in July and August of 2016, allowing a proposed rule to be submitted to the Department of Administration in September 2016.

**BENCHMARK:** With initial publication and comment period slated for October of 2016, a pending rule will be voted on by the Commission at the beginning of November of 2016, in time for publication and presentation to the legislature in January 2017.

## **SECOND GOAL The Public Defense Commission will create adopt and enforce indigent defense standards to improve the delivery of trial-level indigent defense services.**

**Objective 1: The Commission will create rules establishing the standards and guidelines pursuant to Idaho's Principles of an Indigent Defense Delivery System (IPIDDS).**

**STRATEGY 1:** The Commission will categorize standards and guidelines to be promulgated according to IPIDDS.

**STRATEGY 2:** The Commission will prioritize the principles of IPIDDS, taking into consideration the needs of Idaho's counties and indigent defense providers as well as the requirements of the U.S. and Idaho Constitutions.

**STRATEGY 3:** The Commission will create rules in phases based upon the aforementioned priorities.

**STRATEGY 4:** The Commission, through the Executive Director, will communicate directly with stakeholders regarding their needs as they relate to complying with indigent defense standards.

**PERFORMANCE MEASURE:** The Commission will undertake the negotiated rule-making process in July and August of 2016, allowing a proposed rule to be submitted to the Department of Administration in September 2016.

**BENCHMARK:** With initial publication and comment period slated for October of 2016, a pending rule will be voted on by the Commission at the beginning of November of 2016, in time for publication and presentation to the legislature in January 2017.

**Objective 2: The Commission will create rules for oversight and enforcement of the standards and guidelines**

**STRATEGY 1:** The Commission will create rules for oversight per Idaho Code 19-850(a)(vi).

**STRATEGY 2:** The Commission will create rules for enforcement per Idaho Code 19-850(a)(vi).

**PERFORMANCE MEASURE:** The Commission will undertake the negotiated rule-making process in July and August of 2016, allowing a proposed rule to be submitted to the Department of Administration in September 2016.

**BENCHMARK:** With initial publication and comment period slated for October of 2016, a pending rule can be voted on by the Commission at the beginning of November of 2016, in time for publication and presentation to the legislature in January 2017.

**Objective 3: The Commission will create rules for modification of the standards and guidelines.**

**STRATEGY 1:** The Commission will create rules for the modification of indigent defense standards per Idaho Code 19-850(a)(vi).

**PERFORMANCE MEASURE:** The Commission will undertake the negotiated rule-making process in July and August of 2016, allowing a proposed rule to be submitted to the Department of Administration by the end of August of 2016.

**BENCHMARK:** With initial publication and comment period slated for October of 2016, a pending rule can be voted on by the Commission at the beginning of November of 2016, in time for publication and presentation to the legislature in January 2017.

**THIRD GOAL The Public Defense Commission will strive to Maintain or Improve the Performance of Individual Defending Attorneys.**

**Objective 1: The Commission will create rules regarding training and Continuing Legal Education (CLE) requirements for defending attorneys where representation is provided by statute or required by the state or federal constitution in Fiscal Year 2017.**

**STRATEGY 1:** The Commission will include training and CLE requirements in its suggested core contract terms.

**STRATEGY 2:** The Commission will create temporary administrative rules setting out the practice and experience required in order to qualify for a contract or to serve as a public defender.

**PERFORMANCE MEASURE:** The Commission will propose temporary training rules in June of 2016.

**BENCHMARK:** The Commission will, upon approval, immediately begin implementing and enforcing the training rules by hosting and sponsoring trainings for indigent defense providers and defending attorneys in FY 2017.

**Objective 2: The Commission will strive to ensure that defending attorneys are qualified to represent indigent clients where representation is provided by statute or under the state or federal constitution.**

**STRATEGY 1:** The Commission will include minimum qualification and experience standards in certain cases in suggested core contract terms offered to the counties and defending attorneys.

**STRATEGY 2:** The Commission will establish by rule the minimum qualifications and experience standards in certain cases.

**PERFORMANCE MEASURE:** The Commission will undertake the negotiated rule-making process in July and August of 2016, allowing a proposed rule to be submitted to the Department of Administration in September 2016.

**BENCHMARK:** With initial publication and comment period slated for October of 2016, a pending rule can be voted on by the Commission at the beginning of November of 2016, in time for publication and presentation to the legislature in January 2017.

**Objective 3: The Public Defense Commission will provide access to meaningful, useful, and relevant trainings to defending attorneys.**

**STRATEGY 1:** In the immediate future, the Public Defense Commission will host and conduct CLE trainings paid out of Training Funds.

**PERFORMANCE MEASURE:** In each Fiscal Year, the Commission should present substantive trainings for defending attorneys. Those trainings should include emphasis on training attorneys to handle juvenile cases, child protection actions, criminal cases, and capital cases.

**BENCHMARK:** The Commission will allocate as much of the Training Funds as possible in each fiscal year for training purposes; and the Commission will strive to increase defending attorney attendance at CLE's hosted or co-sponsored by the Commission in FY 2017.

**STRATEGY 2:** The Public Defense Commission will explore the possibility of partnering with other Idaho and national organizations to provide the most effective trainings.

**BENCHMARK:** In Fiscal Year 2017, the Commission will determine dates of Idaho Prosecuting Attorney's Association conferences through the next eighteen months, and conduct coordinating meetings with members of the Idaho Association of Criminal Defense Lawyers and the Federal Defenders of Idaho.

**STRATEGY 3:** The Public Defense Commission will seek to offer scholarships, financial subsidies, or incentives for defending attorneys to avail themselves of training programs and opportunities not offered by the Commission.

**PERFORMANCE MEASURE:** The Commission will propose qualifications for scholarships and training funds by temporary rule by June 2016, for presentation to the legislature for final approval in January 2017.

**BENCHMARK:** Final adopted training rules will be in place for Fiscal Year 2018.

**STRATEGY 4:** The Commission will provide online and remote training resources through webinars and the NAPD-MyGideon library.

**PERFORMANCE MEASURE 1:** The Commission will conduct a Winter and Summer drive for defending attorneys to join NAPD in each Fiscal Year.

**BENCHMARK:** The Commission will increase NAPD membership in Fiscal Year 2017.

**PERFORMANCE MEASURE 2:** The Commission will create a web-page featuring Idaho CLE credit courses offered through NAPD archived webinars during FY 2017.

**STRATEGY 5:** The Commission will seek additional funding sources through grants and partnerships.

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## ***EXTERNAL FACTORS***

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This strategic plan reflects changes that resulted from the passage of House Bill 504 in March 2016. The Commission has been granted additional powers and duties it did not have before, thus a significant change to FY2016's Strategic Plan, including a revision to our Mission and Vision Statements. The goals of the strategic plan will be dependent upon the negotiated rule-making process, feedback from stakeholders and the grant application process. As suggested last year, the Commission is ready and willing to adapt with the shifting landscape of Public Defense Reform and will continue to revisit the strategic plan as often as is necessary to ensure responsiveness to the needs of the Counties in Idaho.